

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

Deadline	Item
April 7, 2021	Defendant serves preliminary invalidity contentions in the form of (1) a chart setting forth where in the prior art references each element of the asserted claim(s) are found, (2) an identification of any limitations the Defendant contends are indefinite or lack written description under section 112, and (3) an identification of any claims the Defendant contends are directed to ineligible subject matter under section 101. Defendant shall also produce (1) all prior art referenced in the invalidity contentions, (2) technical documents, including software where applicable, sufficient to show the operation of the accused product(s), and (3) summary, annual sales information for the accused product(s) for the two years preceding the filing of the complaint, unless the parties agree to some other timeframe.
April 16, 2021	Parties exchange claim terms for construction.
April 30, 2021	Parties exchange proposed claim constructions.
May 7, 2021	Parties disclose extrinsic evidence. Parties disclose extrinsic evidence. The parties shall disclose any extrinsic evidence, including the identity of any expert witness they may rely upon with respect to claim construction or indefiniteness. With respect to any expert identified, the parties shall identify the scope of the topics for the witness's expected testimony. <sup>2</sup> With respect to items of extrinsic evidence, the parties shall identify each such item by production number or produce a copy of any such item if not previously produced.
May 21, 2021	Deadline to meet and confer to narrow terms in dispute and exchange revised list of terms/constructions.
May 28, 2021	Plaintiff files Opening claim construction brief, including any arguments that any claim terms are indefinite.
June 18, 2021	Defendant files Responsive claim construction brief.

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<sup>2</sup> Any party may utilize a rebuttal expert in response to a brief where expert testimony is relied upon by the other party.

Deadline	Item
July 2, 2021	Plaintiff files Reply claim construction brief.
July 16, 2021	Defendant files Sur-Reply claim construction brief.
July 21, 2021	<p>Parties submit Joint Claim Construction Statement</p> <p>See General Issues Note #8 regarding providing copies of the briefing to the Court and the technical advisor (if appointed).</p>
July 23, 2021	Parties submit optional technical tutorials to the Court and technical adviser (if appointed). The parties shall also jointly submit, via USB drive, Box (not another cloud storage), or email to the law clerk, pdf versions of all as-filed briefing and exhibits.
August 12, 2021	<i>Markman</i> Hearing
August 16, 2021	Fact Discovery opens; deadline to serve Initial Disclosures per Rule 26(a).
September 23, 2021	Deadline to add parties.
October 7, 2021	Deadline to serve Final Infringement and Invalidity Contentions. After this date, leave of Court is required for any amendment to Infringement or Invalidity contentions. This deadline does not relieve the Parties of their obligation to seasonably amend if new information is identified after initial contentions.
December 2, 2021	Deadline to amend pleadings. A motion is not required unless the amendment adds patents or claims.
February 10, 2022	Deadline for the first of two meet and confers to discuss significantly narrowing the number of claims asserted and prior art references at issue. Unless the parties agree to the narrowing, they are ordered to contact the Court's Law Clerk to arrange a teleconference with the Court to resolve the disputed issues.
March 24, 2022	Close of Fact Discovery.

Deadline	Item
March 31, 2022	Opening Expert Reports.
April 28, 2022	Rebuttal Expert Reports.
May 19, 2022	Close of Expert Discovery.
May 26, 2022	Deadline for the second of two meet and confers to discuss significantly narrowing the number of claims asserted and prior art references at issue to triable limits. To the extent it helps the parties determine these limits, the parties are encouraged to contact the Court's Law Clerk for an estimate of the amount of trial time anticipated per side. The parties shall file a Joint Report within 5 business days regarding the results of the meet and confer.
June 2, 2022	Dispositive motion deadline and <i>Daubert</i> motion deadline.
June 16, 2022	Serve Pretrial Disclosures (jury instructions, exhibits lists, witness lists, discovery and deposition designations).
June 30, 2022	Serve objections to pretrial disclosures/rebuttal disclosures.
July 14, 2022	Serve objections to rebuttal disclosures and File Motions <i>in limine</i> .
July 30, 2022	File Joint Pretrial Order and Pretrial Submissions (jury instructions, exhibits lists, witness lists, discovery and deposition designations); file oppositions to motions <i>in limine</i> .
August 13, 2022	<p>File Notice of Request for Daily Transcript or Real Time Reporting. If a daily transcript or real time reporting of court proceedings is requested for trial, the party or parties making said request shall file a notice with the Court and e-mail the Court Reporter, Kristie Davis at <a href="mailto:kmdaviscsr@yahoo.com">kmdaviscsr@yahoo.com</a></p> <p>Deadline to meet and confer regarding remaining objections and disputes on motions <i>in limine</i>.</p>

Deadline	Item
September 5, 2022	File joint notice identifying remaining objections to pretrial disclosures and disputes on motions <i>in limine</i> .
September 8, 2022	Final Pretrial Conference.
September 26, 2022	Jury Selection/Trial for the first of the consolidated cases. Jury Selection/Trial for the remaining consolidated cases will be determined at the Final Pretrial Conference.

SIGNED this 23rd day of February, 2021.

  
ALAN D ALBRIGHT  
UNITED STATES DISTRICT JUDGE